



City of Carmel

CARMEL PLAN COMMISSION

MAY 18, 2004

Minutes

The regularly scheduled meeting of the Carmel Plan Commission met at 7:00 PM in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members Present: Stephanie Blackman; Jerry Chomanczuk; Leo Dierckman; Dan Dutcher; Wayne Haney; Dianna Knoll; Rick Ripma; Steve Stromquist; Madeleine Torres.

Department of Community Services Staff in attendance: Mike Hollibaugh, Director; Jon Dobosiewicz; Adrienne Keeling. John Molitor, Legal Counsel was also in attendance.

The minutes of the April 20, 2004 meeting were approved as submitted.

G. Reports, Announcements, & Department Concerns

1g. Presentation of service awards to past Plan Commission members.

Former Commission Members Dave Cremeans, Ron Houck, and Dick Klar were presented with appreciation awards for 10 years or more service to the Plan Commission, Carmel community.

H. Public Hearings:

1h. Docket Nos. 04030043 Z:

Dixie Highway Addition, lot 2 (pt) - Yang Health Center

The applicant seeks to rezone approximately 0.2 acres from R-3/Residence to B-1 Business. The site is located at 10640 N College Ave and is within the Home Place Business District Overlay.

Filed by Dennis Lockwood of Mark Swanson Associates, Inc.

Note: The Publication of Notice in the newspaper was incorrect in the date for the Public Hearing. Therefore, the rezone will have public hearing on June 22, 2004.

2h. Docket Nos. 04030044 DP/ADLS:

Dixie Highway Addition, lot 2 (pt) - Yang Health Center

The applicant seeks approval of a building addition. The site is located at 10640 N College Ave and is within the Home Place Business District Overlay.

Filed by Dennis Lockwood of Mark Swanson Associates, Inc.

Dennis Lockwood, architect with Mark Swanson Associates appeared before the Commission representing Carl Lee and Jenny Yang, owners of Yang Health Center located at 10640 North College Avenue. Mark Swanson was also in attendance.

The project is located within the area of construction for widening of the 106th Street and College Avenue intersection. Hamilton County acquired 21 feet of property for the new right-of-way and in so doing, the owner lost several parking spaces. In order to recover the needed parking spaces, an existing garage would need to be demolished; with the loss of the garage, the owners determined that an addition to the existing office building would be needed for staff office and storage space.

The site currently consists of two-tenths of an acre and is zoned R-1 with a Use Variance to operate the business. The adjacent zoning to the north is currently R-1 and is a series of duplex buildings. The property to the west is housing in an R-1 zone; to the south is B-1 Business zoning; to the east is R-1 zoning and contains the parking lot for the Clay Township Government Center.

The site plan shows the existing building to the eastern side of the property with the addition being added to the west of the building. From the curb cut and entrance drive provided with the street improvements, new curbed and paved entrance drives extend west to a curbed and paved parking lot consisting of ten parking spaces. Parking includes one accessible space (handicap) with a curbed ramp to the sidewalk at the entrance.

The landscape plan includes foundation ground cover along the east of the building fronting College Avenue and also includes a combination of trees and shrubs to provide a landscape buffer around the parking lot. In order to provide plan diversity as requested by the Urban Forester, a blending of up to three species of trees and three species of shrubs will be used around the parking lot. An additional, ornamental tree has been added to the front yard (requested by the Urban Forester) and the remainder of the yard will be grass.

The existing office contains 954 square feet and includes a waiting room, office and reception area, and six exam rooms. The proposed two-story addition contains 548 square feet on each floor. The office area will be expanded to provide for two private offices, a larger staff work area, an accessible toilet facility, and an enlarged waiting room. The second floor will have a staff break room with a kitchenette, quiet study area, a laundry closet for washer/dryer, staff toilet facility, and a storage area. The existing building is currently clad with vinyl siding and has an asphalt/fiberglass shingle roof.

The new exterior elevations utilize a combination of maintenance free vinyl siding and vinyl shakes of a uniform color. There is an accent trim on corners, around doors and windows, and along the rake and gutter boards around the roof. The roof will be re-shingled with an architectural dimensional shingle that is dark brown, complemented by a siding color that is natural clay (beige family.) The shakes will match the siding in color. The trim color is basic white.

There is an existing yard sign. The new building sign will be located on the east elevation of the building facing College Avenue. The sign is approximately 8 feet 7 inches long and 3 feet 6 inches high and contains 30 square feet—within the Sign Ordinance. The colors and graphics on the new sign will be of a similar nature to match the existing sign—blue background, white letters and border, and yellow/gold, medical graphic symbol.

This project was presented to the Technical Advisory Committee on April 21, 2004. Most all of the issues have been addressed at this time. The petitioner is requesting a favorable recommendation from the Commission to forward this item to Committee.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Jon Dobosiewicz. The Department did have some concerns and asks that the Committee take a close look at the front elevation of the building to try to tie the dormer into the existing design of the building. The Committee should also look at the proposed accent colors on the building.

Jerry Chomanczuk commented that the telephone number on the signage is overwhelming—it could be more subdued.

Stephanie Blackman asked about the blue trim referred to in the packet. Mr. Lockwood responded the trim was to provide excitement and variety to the elevations. This could be explored further at Committee.

Docket No. 04030044 DP/ADLS, Dixie Highway Addition, lot 2 (pt), Yang Health Center was referred to the **Special Study Committee** for further review on **June 1, 2004** at 7:00 PM in the Caucus Rooms of City Hall.

3h. Docket No. 04030041 SP: Earl and Bertha Harvey's Subdivision, Lots 2A-2B: Primary Plat Amendment

The applicant seeks to split one residential lot into two lots. The site is located northwest of 110th Street & Westfield Blvd. The site is zoned R-1/Residence. Filed by Dave Barnes of Weihe Engineers for Mr. & Mrs. Monson.

Dave Barnes, engineer with Weihe Engineers, 10505 North College Avenue appeared before the Commission representing James Monson and Peggy Monson, also present.

The petitioner is requesting Primary Plat approval for a split into two lots of lot #2, Earl and Bertha Harvey's Subdivision. The petitioner would like to divide lot #2 into two lots and create lots 2A, and 2B. Lot 2A has an existing home, Lot 2B is proposed for construction of an individual residence.

The petitioner requested two waivers from the Board of Zoning Appeals, one for the lot width, one for square footage; both were approved.

The split of the lots would be as shown with the existing home on lot 2A, the second home is to be constructed on lot 2B. Currently, there are two large trees on the site and those will be retained.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Jon Dobosiewicz. The Department has no outstanding concerns regarding this request. The lot size and frontage were previously approved by the Board of Zoning Appeals. The Department is asking that the Commission consider suspension of the Rules of Procedure in order to vote on this item this evening.

Dan Dutcher asked for clarification regarding driveway access and whether or not this is to be a shared drive.

Dave Barnes responded that the plat provides for two separate driveways—two different residences, each lot with its own driveway.

Jerry Chomanczuk asked if the City Forester had reviewed this proposal to determine how many mature trees would be affected or removed.

Jon Dobosiewicz responded in the negative; that is not one of the criteria for review and approval with this type of subdivision.

Dave Barnes responded that he had spoken with Scott Brewer and sent him drawings—there was no response.

Rick Ripma commented that from the drawings, it looks as if lots have already been “cut up.”

Dave Barnes responded in the affirmative. The type of home that will be constructed will fall in with the surrounding homes.

Stephanie Blackman made formal motion to suspend the Rules of Procedure, seconded by Dianna Knoll, Approved 9-0.

Stephanie Blackman made formal motion to Approve **Docket No. 04030041 SP, Earl and Bertha Harvey’s Subdivision, Lots 2A-2B, Primary Plat Amendment**, seconded by Dianna Knoll and **APPROVED** 9-0.

**4h. Docket No. 04030046 DP Amend/ADLS Amend :
Carmel Industrial Park - Engineered Cooling Systems**

The applicant proposes a building addition and additional parking. The site is located at 201 West Carmel Dr. The site is zoned I-1/Industrial.
Filed by Mark Swanson of Mark Swanson & Associates, Inc.

Mark Swanson and Dennis Lockwood, architects, Mark Swanson & Associates, Inc., 10610 North Park Avenue appeared before the Commission representing Engineered Cooling Systems manufacturing plant located at 201 West Carmel Drive.

Engineered Cooling System has been at this location for approximately 33 years.. The site is bounded on the north by Kirby Park East; to the east is USA Automatic Sprinkler; to the south is Carmel Self Storage, Fairgreen Trace, Rosemeade Commons; to the west is the Monon Trail, Lee Supply, and Top Value Fabrics. The property is currently zoned I-1 and contains 5.29 acres. The owner desires to construct a one-story addition on the west side of the building, approximately 40 feet by 130 feet or 5,420 square feet. The construction will match the existing of structural steel, clad with metal siding, metal roofing and a four foot high, block wainscot around three sides.

As a part of this project, a material storage silo is proposed for construction, located on the north side of the building, 12 feet in diameter and 30 feet in height. The proposed silo would be approximately 6 feet higher than the existing building.

This project was reviewed by the Technical Advisory Committee on April 21st; prior to TAC, comments were received from Carmel Wastewater, Fire Department, Hamilton County Surveyor, Carmel City Engineer; all comments have been addressed. Following TAC, a comment letter was received from Hamilton County Soil & Water Conservation and a response given. Further communication from Hamilton County Soil & Water indicating that their comments were not satisfied—this remains an open item.

Additionally, following TAC review, meetings were conducted with the Hamilton County Surveyor's office and the Urban Forester. A second meeting was held with the Surveyor's office regarding the ditch that runs along the edge of the Monon Trail.

The west elevation shows the silo to the left of the building—below that is an existing cooling tower. The west elevation will essentially be an exact image of the existing west elevation to the building.

There is no signage involved with this project. Material samples were displayed at this time as well as paint chips and a sample of the roofing material.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Jon Dobosiewicz. There are additional concerns and the committee is asked to pay particular attention to the height of the proposed material silo and how it relates to the adjoining residential property to the south. The west elevation provides a good example of the view from the residential properties to the south. Photos are requested for review at the Committee level

showing the view of the property from the Monon as well as from Carmel Drive that will help envision the impact of the proposed cooling tower and material silo. The Department would like to see 90 degree cut-offs on the wall packs as presented. Also, review is requested of the buffer from the adjoining residential property to the south. At the time of site inspection, there were materials being stored at the rear of the property adjacent to residential that were higher than the fence material—this should also be addressed at the committee level.

Jerry Chomanczuk asked about the types of materials that would be stored in the silo.

Mark Swanson responded that one of the products that Engineered Cooling produces is plastic fans—plastic pellets will be stored in the silo for injection molding—one of the products in production.

Jerry Chomanczuk asked the Department if the report from the County Soil & Water Conservation would be available for Committee review prior to the meeting.

Jon Dobosiewicz responded that definitely, the report would be available for review at the Committee level.

Dan Dutcher said he also had concerns about the silo—a 30-foot high structure will have some pretty good visibility. Dan Dutcher asked the Special Study Committee to review in particular. Also, the screening/buffer along the Monon is a prime concern. Again, the Special Study Committee is encouraged to look closely at this item.

Rick Ripma asked whether or not a formal agreement was in place regarding the legal drain.

Jon Dobosiewicz responded that a favorable report had been received from the County Surveyor's Office.

Docket No. 04030046 DP Amend/ADLS Amend, Carmel Industrial Park, Engineered Cooling Systems was referred to the **Special Study Committee** for further review on **June 1, 2004** at 7:00 PM in the Caucus Rooms of City Hall.

5h. Docket No. 04040014 DP Amend:

Kite Medical Office Complex, Phase 1 (Development Plan Amendment)

The applicant proposes a medical office building. The site is located northeast of 126th Street and US Highway 31, at the 13000 Block of N. Pennsylvania St. The site is zoned B-2/Business within the US 31 Overlay Zone.

Filed by Paul Reis of Drewry Simmons, Pitts & Vornehm for Kite Companies.

Paul Reis, 5013 Buckeye Court, attorney with offices at 8888 Keystone Crossing, Suite 1200 appeared before the Commission representing the applicant. Also in attendance: Eric Strickland, Kite Companies, and Greg Snelling, Woolpert Engineering, LLC.

An ADLS and Development Plan approval was obtained in late 2000 for this tract of land located north of 126th Street at U.S. 31. However, the construction of the approved project never commenced and more than two years has elapsed since the original approval. Notably, the State of Indiana has embarked upon a major upgrade of U.S. 31 to bring it into freeway status. Therefore, a revised Development Plan is being submitted for approval.

The site is zoned B-2 and bounded by Summer Trace Retirement Community; Meijer's; Duke Hamilton Crossing Office Complex; and retail Hamilton Crossing. The overall project will consist of three office buildings to be developed in three phases. At this time, only the revised Development Plan for the first phase at the northern-most portion of the site is being presented (approximately 8 acres.) The first phase will consist of a three-story office building containing 96,000 rentable square feet together with the associates parking area and retention pond.

As mentioned earlier, the State of Indiana is undergoing a major up-grade of US 31. In order to accommodate the interchange possibly at 126th Street to the south, or at 131st Street, discussions have ensued with the Department as to how to approach this development plan. The petitioner has agreed to accommodate either of these alternatives, but by doing so, the project has been significantly to the east. The petitioner will be requesting a variance from the Board of Zoning Appeals from a normal, 90-foot build-to line. As the project progresses and the design phase of US 31 continues, an agreement will be reached with the City as to exactly where this building will be located on the site.

The petitioner is dedicating an additional 10 feet of right-of-way along Pennsylvania Street that will allow for a 45 foot one-half right-of-way that is pursuant to and consistent with the Thoroughfare Plan for Pennsylvania. The entrance is right in/right out on the north side and are the same points of ingress/egress as previously approved under the Development Plan. Pedestrian walkways will come off Pennsylvania to the buildings and to walkways. The sidewalk will match up with the Hilton Garden Inn to the north.

The building is anticipated for medical office use and will require 384 parking spaces; the development plan provides 452 spaces. All of the TAC issues, including site drainage have been resolved and satisfied. The species of trees has been revised in response to comments from the Urban Forester.

Ground signage is proposed along the right-of-way of US 31 and along Pennsylvania Street, consistent with the permitted, center identification signs allowed for multi-tenant, multi-building complexes under the Sign Ordinance. The Development Plan proposed is consistent with other developments along the US 31 Overlay Zone.

At this time, the petitioner is requesting a suspension of the Rules of Procedure and approval of this development.

Members of the public were invited to speak in favor of or opposition to this petition; no one appeared and the public hearing was closed.

Department Comments, Jon Dobosiewicz. This item appeared on the previous Special Study Agenda for building elevation, signage, and landscaping review and was approved by the Committee. It is unusual that an ADLS portion of a petition would come before the Plan Commission prior to a development plan. However, there were minor changes between the previously approved building elevations in 2000 and the initial request of the petitioner earlier this month. In the absence of public remonstrance and unless there are issues the Plan Commission has that would require further consideration, the Department recommends suspension of the Rules and approval of this item.

Jerry Chomanczuk reported that the Special Study Committee had reviewed the DP/ADLS early in the month—elevations, signage, etc. The Committee voted 4-0 for a positive recommendation.

Dan Dutcher asked for clarification on the pedestrian walkway/sidewalk.

Paul Reis said that initially, a 4-foot sidewalk was proposed so that it would match up with what is already in place at the Hilton Garden Inn. However, the petitioner is more than willing to match up with the alternative transportation plan that calls for a 10-foot path.

Jon Dobosiewicz responded that the Department wanted to maintain consistency. The Department will request that the petitioner make the revision to accommodate a 10-foot path.

Jerry Chomanczuk moved to suspend the Rules of Procedure, seconded by Dianna Knoll, approved 9-0.

Jerry Chomanczuk moved for approval of **Docket No. 04040014 DP Amend, Kite Medical Office Complex, Phase I (Development Plan Amendment)** conditioned upon the installation of a 10 foot multi-use path rather than a sidewalk, seconded by Dianna Knoll and **APPROVED** 9-0.

6h. Docket No. 04040017 DP - Carmel Science and Technology Park, Blk 11, lot 4: Companion Animal Hospital (Development Plan)

The applicant seeks to construct a veterinarian office. The site is located just southwest of the intersection of Carmel Dr and Guilford Ave. The site is zoned M-3/Manufacturing Park District.

Filed by Mark Monroe of Drewry, Simmons, Pitts & Vornehm for REI Investments.

Note: Items 6h and 7h were heard together

7h. Docket No. 04040016 DP -Carmel Science and Technology Park, Blk 11, lots 2-4

The applicant seeks to construct 3 commercial buildings. The site is located just southwest of the intersection of Carmel Dr and Guilford Ave. The site is zoned M-3/Manufacturing Park District.

Filed by Mark Monroe of Drewry, Simmons, Pitts & Vornehm for REI Investments.

Mark Monroe, attorney with offices at 8888 Keystone Crossing appeared before the Commission representing Dr. Tony Bizetti, owner/operator of Companion Animal Hospital. Also present: Julie Christiansen, Executive Vice President of REI Investment; Bob Doster, project engineer with Schneider Corporation; Sean Curran, project architect.

The site consists of approximately 8 acres, excluding the pond, located southwest of the intersection of Carmel Drive and Guilford Avenue. To the south of the site is Lenox Trace Condominiums, partially zoned B-5/commercial as well as R-4/Residence; to the east is Carmel Corporate Center office building in the M-3 District; to the northeast is Lakeside Corporate Center office also located in the M-3 District. To the north is midwest ISO; to the west is the One Call Communications building—both within the Carmel Science and Technology Park, zoned M-3/Manufacturing.

The Companion Animal Hospital site consists of 3 acres. The site plan has been designed in accordance with the M-3 Manufacturing district requirements. The site plan shows an approximate 13,000 square foot office building that will house Dr. Bizetti's veterinarian medicine practice. The area to the north and the west sides contain parking with ample landscaping to include 134 trees and 166 shrubs. There is a medical observation area provided for the animals cared for within the building. This green area is only for medical observation and not meant for free-roaming of animals. Any animal within this area will be accompanied by one of Dr. Bizetti's employees, on a leash, and number no more than 5 at any one time.

The medical observation area is screened by two rows of landscaping—one on the Animal Hospital site, the other on the property line. The area is also screened with an 8-foot cedar fence on the south property line as well as an 8-foot stone and wrought-iron fence.

The lighting plan shows no light spillage at the property line and no light spillage beyond the 8-foot cedar fence. The building is approximately 65 feet from the Lenox Trace property line; the building is 140 feet beyond the property line—3 times the minimum setback.

The building design is a two-story office building for Dr. Bizetti's practice. A sample material board was displayed. Primarily the building is constructed of light stone shown. The building also contains a cedar shake shingle, darker brown, and green tinted glass which highlights the front design of the building and accents other windows and doors throughout. The metal roof and the trim were also shown.

The signage is 6 feet in height and identifies Companion Animal Hospital made of materials found in the building—stone, metal. Also shown is the partial fence design, 8-foot stone columns with wrought-iron fencing throughout and surrounds three-quarters of the medical observation area.

An additional sign would be located near the entrance off Carmel Drive and is meant to identify the entire complex. The sign would include identification for the Companion Animal Hospital. The design is similar to the sign design for Dr. Bizetti's office as well as the building itself.

The only construction that will occur beyond the three acre—Dr. Bizetti site is the construction of a

cul-de-sac street off Carmel Drive that will provide access to the Dr. Bizetti site as well as the remaining vacant ground; there will be sidewalks on both sides of the street. REI Investments is prepared to dedicate the appropriate right-of-way along Guilford Road and Carmel Drive to accommodate the intersection improvements done by the City. The City improvements will include the appropriate pathway and/or sidewalk.

Regarding concerns with possible noise from the office building, advice from a specialist in animal behavior, Dr. Sampson was consulted.

Dr. Bizetti then addressed the Commission. Dr. Bizetti referred to the issue of odor control and the animals being walked on a leash in a limited area. The animals are there for medical purposes. Because animals have intestinal parasites, the waste is picked up on a continuing basis throughout the day. The odor control is addressed through sanitation. The building is approximately 170 feet from the residence behind the facility, and because the prevailing winds are from west to east, there will be no issue associated with odor. Sanitation is the utmost importance in the care of the animals.

The second concern is the noise of the animals being walked in the outdoor exercise area. Dr. Sampson notes that the single most important issue with reduction of noise is the fact that there will not be outdoor runs. In addition, the plans call for extensive sound barriers both inside and out of the building—the ward areas are storefront glass and the design of the walls negate sound issues within the hospital and nearly eliminate any outdoor noise originating from inside the building.

The main reasons dog bark and how it pertains to this facility: 1) Barking is an effort to communicate with pack or family members. In the proposed condition, the dog is at the facility and away from family. 2) Stimulation by sight of another animal outside the exercise area—this is managed by the construction of the 8-foot cedar fence. Also, there is approximately 400 feet between the fence/open area to Guilford, across the water. 3) Identification of home territory—these dogs are not in their home territory and will not be stimulated to bark to protect their home territory. Dr. Sampson goes on to say that most dogs will not bark in an exercise environment when they are leashed and not in their home territory. Occasionally there will be a neurotic barker—the dogs that bark incessantly are controlled by a soft muzzle.

Noise pollution is always a concern in an environment that has an animal hospital adjacent to housing. The major issues have been addressed through the policies of the hospital, the design, light placement, fencing and landscaping. Dr. Sampson is certain the efforts will be effective in establishing and maintaining a positive relationship with the neighborhood.

Mark Monroe concluded, saying that the concerns raised by the Technical Advisory Committee have been addressed regarding this project and the REI Investments portion.

Members of the public were invited to speak in favor of this petition; no one appeared.

Members of the public were invited to speak in opposition to this petition; the following appeared:

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Roberta Ross, attorney and resident of Lenox Trace, representing residents of Lenox Trace, immediately south of the proposed facility. If this proposal is approved, the residents ask that the Board strongly consider not allowing the medical observation area to back-up to the homes to those homeowners on the property line of Lenox Trace. No one can represent that a dog will not bark. The layout of the facility provides for a fence along the east side facing the retention pond as open, with a wrought-iron fence, and easy for dogs to see through it. People park their cars along Guilford and walk to the pond to fish—residents in the area walk to the pond for a relaxing stroll; this activity will precipitate exactly what the petitioner says will not occur. There are approximately 175 residents of Lenox Trace and a petition signed by 120 residents is being submitted to the Commission requesting denial of this petition.

If this petition were to be approved, there are other ways that the medical observation area could be placed on the property so that the animal hospital building could intervene between Lenox Trace and the yard—the yard does not have to back-up to the homes along the property line. A condominium is being constructed on the east side of Guilford with homes from \$250,000 upwards. The builder and developer of that site had no idea that this facility was proposed, since he did not receive notice. The proposed facility would impair his ability to market the homes.

If this facility is approved, the Lenox Trace residents request that the medical observation area be moved away from their homes. There is manufacturing to the west; on the other side is a pond and a street and there would be little impact.

Florian Walter, Lenox Trace resident, stated the Condo owners had a meeting with the Companion Animal Hospital representatives, during which it was revealed that approximately 60 dogs would be anticipated in an out of the facility on a daily basis for treatment. At any given time, there would be approximately 35 dogs in residence for treatment. Mr. Walter felt the facility is not a suitable location for this particular area, close to Lenox Trace residents..

Sylvia Peters, Lenox Trace resident and president of the HOA, stated that at the meeting with the animal hospital representatives, the stated hours of the hospital were Monday through Friday until 7:00 PM. The hours of operation were revised to Monday through Friday until 5:00 PM, and open on Saturdays until Noon, however, Dr. Bizetti admitted he fully expects to expand and possibly would be open 7 days per week. The adjoining residents would have no break from the facility. Dr. Bizetti has also said this will be the largest facility of its kind in the State of Indiana—and this will back up to residences on two sides. There is some confusion as to the size of the building. Dr. Bizetti had said it was 9300 square feet, this evening, Dr. Bizetti said the building is 13,000 square feet. There is also a discrepancy as far as the ownership of the facility, previously stated as REI Investment, this evening referred to as Dr. Bizetti. Please deny this project.

Rebuttal, Mark Monroe. The site plan presented shows the building elevation and high-end design. Through the precautions taken in designing the outdoor medical observation area, there will be no noise impact on the Lenox Trace Condominium; this opinion is substantiated by Dr. Sampson, an animal expert. The site is zoned M-3 Manufacturing, and this District allows light manufacturing,

storage facilities, warehousing, even retail on this very corner. M-3 also allows for general offices and professional offices—Dr. Bizetti is presenting a professional office. Dr. Bizetti is not maximizing the manufacturing zoning within this District. The petitioner has provided credible evidence from an expert, not his own, and the noise issue has been addressed along with the sight consideration, i.e. the two rows of landscaping, the 8-foot cedar fence coupled with high-end architecture fronting on Carmel Drive.

Department Comments, Jon Dobosiewicz. The issue of use is relegated to the Board of Zoning Appeals, scheduled for May 24th. The Commission may approve or establish conditions regarding this request. The petitioner may necessarily make changes to the site plan regarding action that may be taken by the Board of Zoning Appeals. Members of the public in attendance this evening are encouraged to attend the Board of Zoning Appeals meeting and express their concerns. The Department felt that modifications made to the original plan were consistent with their concerns. A number of those concerns have been addressed through the provision of a fence, additional landscaping being pulled away from the eastern portion of the site, adjacent to the fenced area as well as through the architecture of the building. One additional concern was to provide some architectural relief on the south elevation. This should be addressed at June 1st Committee.

Leo Dierckman asked about the timing of the hearing before BZA compared with the presentation at Plan Commission. Jon responded that the hearing before BZA would be May 24th, prior to June 1st Committee. The BZA action prior to final action of the Plan Commission is desirable in the instance of conditions the Board may want to establish and/or the petitioner's response or amendments if necessary.

In response to Leo Dierckman's questions, Mark Monroe said the size of the facility is 13,000 square feet—what was presented to the Condo Association was only the first floor square footage; 9,000 square feet is the second floor and primarily office space. REI Investments owns the property today; Dr. Bizetti has agreed to purchase the property under certain conditions. Dr. Bizetti will own the facility and the property. If there were any concerns raised by the Condo Association during the operation of the business, they could contact Dr. Bizetti to address those concerns.

In response to questions from Madeleine Torres, Roberta Ross said there are 150 total units at Lenox Trace and animals are allowed.

Jerry Chomanczuk asked whether or not dogs would be boarded, and if so, how many. How close is the facility to the pond and has there been any consideration given to runoff water from the facility into the pond?

Mark Monroe stated there would be no boarding of animals in the traditional sense. The only overnight stay for animals is for medical purposes. An animal would have to be admitted to the facility for an operation or procedure and receive overnight observation before they would be permitted to stay overnight. Currently, Dr. Bizetti's office is located at 180 East Carmel Drive, within the Hunters Run Center; there are three animals staying overnight for medical purposes.

Jon Dobosiewicz stated the petition was reviewed by County Soil & Water, Surveyor's Office, and Engineering. None of those Departments viewed any negative impact associated with the pond.

Jerry Chomanczuk also asked the following questions: What is the purpose for the exterior staircase to the second floor? Are there "doggie windows" on the south elevation? Would there be any crematory function on site?

Mr. Monroe said there would be interior access to the office space on the second floor; the exterior staircase is for fire emergency access. The windows are for illumination, and there would be no type of crematory function.

Stephanie Blackman asked if this proposal would replace the current facility in Hunters Run, the response was affirmative.

Ms. Blackman also asked about the medical observation area and whether or not that is completely Enclosed.

Mark Monroe said the entire area is enclosed with a fence. There is an 8-foot cedar fence on the south end—the other portion contains an 8-foot stone and wrought-iron fence.

Rick Ripma asked if there was some special design that was done for sound-proofing from the inside.

Mark Monroe responded the rear wall of the building would be a special sound barrier applied on the inside of the building that will prevent noise from being heard on the outside.

Leo Dierckman asked if the petitioner were willing to make a commitment regarding the sound-proofing.

Mark Monroe said the sound-proofing is a part of the current building design and the petitioner is willing to commit to that as a part of the building elevation.

Docket Nos. 04040017 DP, Carmel Science and Technology Park, Blk 11, Lot 4, and 04040016 DP, Carmel Science and Technology Park, Blk 11, Lots 2-4, Companion Animal Hospital, were referred to Special Study Committee for further review on June 1, 2004 at 7:00 PM in the Caucus Rooms of City Hall, Carmel, Indiana.

Note: The Companion Animal Hospital project is scheduled to be heard before the Board of Zoning Appeals on Monday, May 24, 2004 at 7:00 PM in Council Chambers of City Hall, Carmel, Indiana. All interested parties are encouraged to attend.

**8h. Docket No. 04050012 OA – Park Impact Fees
Docket No. 04050013 CP - Carmel/Clay Parks Zone Improvement Plan**

The applicant seeks to amend **Chapter 29: Park and Recreation Impact Fees** and amend the Carmel/Clay 2020 Vision Comprehensive Plan: Carmel/Clay Parks Impact Fee Zone Improvement Plan.

Filed by the Carmel/Clay Parks Department.

Mark Westermeier, Director of Carmel/Clay Parks Department appeared before the Commission representing the applicant. Of the 500 plus acres currently owned by the Parks Department, less than 50% has been developed into working parks. To date, Impact Fee money has been used to develop West Park, River Heritage Park, Inlow Park, and Hazel Landing.

The Park Department is requesting a review of the Impact Fee. By Statute, the Impact Fees automatically expire at the end of five years. The first Impact Fees for Carmel were imposed in 1996 and reviewed in 2000. It has been four years since review, and at this time, the recommendation of the Park Department is for an increase that would take effect in the year 2005.

An Impact Fee is charged to new development only and used to defray the cost of new infrastructure and as such, is limited only to areas that can serve new development. Impact Fee money cannot be used to operate or repair the Parks facilities—it is used strictly for adding to capital infrastructure already in being. In essence, the Impact Fee requires developers to pay their fair share but limits it by Statute.

While the increase sought might be considered a little high—400%—in the year 2000 it was over 600% increase. For comparison purposes, information has been provided for impact fees in the surrounding communities. There is no road impact fee for the City of Carmel. However, in Noblesville there is a road impact fee and that goes to Parks along with a park impact fee that in some areas is \$2800. Zionsville and Westfield Impact Fees have also been reviewed.

The Parks Board asked the City Council to review the Impact Fee Ordinance and allied documents, including the Zone Improvement Plan, and the Council directed the Department of Community Services to determine the appropriateness of a current impact fee and the Zone Improvement Plan. If necessary, a proposed replacement ordinance should be prepared.

Once the proposed Impact Fee is approved by City Council, there is a six-month waiting period before it goes into effect.

Members of the public were invited to speak in favor of these petitions; the following appeared:

Judy Hagan, Spring Mill Road, Carmel, currently Clay Township Trustee, expressed support for the proposed increase in the Impact Fees. The Impact Fee has been a significant source of capital revenue for the Park Department and has enabled a number of parks to come on line faster than if this had gone through property tax or bond issue. There have been only two bond issues for Park Development in this community. This is a tough decision because it is a huge increase, but the rationale is before the Commission to do a range of things and support a middle, high, whatever the Commission recommends.

Department Comments, Jon Dobosiewicz requested the Impact Fee Review Committee meet prior to Committee meetings on June 1, 2004. If anyone has questions, they are encouraged to get them to the Department prior to the Committee.

Dianna Knoll asked how much money was received last year from the Park Impact Fee? The impact fee is paid by the developers and at some point, Carmel will be all built out and this will not be a resource for revenue.

Jon Dobosiewicz offered to gather the information and get it to Committee members prior to June 1st.

Dan Dutcher spoke favorably of the increased Park Impact Fees and had the following comments. This is one of the very progressive features that Carmel/Clay Township Government has adopted. It is big-picture oriented and is a great policy. In terms of the future growth of the community reflected in some of the numbers in the report, the reality is that Clay Township is on its way to 100,000 people, and that kind of growth comes with some expectations and responsibilities. The Park Impact Fees is a method to address the recreational needs of the community now and in the future in a way that is most fair. It lessens the burden on the existing residents. Also, no matter what number is ultimately decided upon, that number is arrived at based upon legal requirements and is a number based upon some fairly rigorous, legal review—not a number pulled out of a hat or because it sounds good.

Docket Nos. 04050023 OA, Park Impact Fees, and 04050013 CP, Carmel/Clay Parks Zone Improvements Plan were referred to **Impact Fees Review Committee on June 1, 2004**, City Hall, Carmel, Indiana, prior to the Committee meetings at 7:00 PM.

I. Old Business:

1i. Docket Nos. 04020033 PP: Bennett Minor Subdivision

The applicant seeks to create a 2-lot minor residential subdivision. The petitioner also seeks the following subdivision waivers:

#04030010 SW SCO 6.05.01 lots shall abut/have access to a street

#04030011 SW SCO 6.05.01 lots shall have a minimum of 50-ft frontage

The site is located at 2020 W. 136th Street. The site is zoned S-1/Residence-Estate.

Filed by Dave Barnes of Weihe Engineers.

Dave Barnes, Weihe Engineers, 10505 North College Avenue appeared before the Commission representing the applicant. The proposal is a 10-acre tract of ground situated on the north side of 136th Street, immediately east of Towne Road.

An Access Easement Agreement for access to the 10-acre tract and the two lots from 136th Street is now in place and has been recorded. There was a question as to the maintenance of that easement at the Committee meeting. The attorney for Dr. Bennett has provided a maintenance agreement that

provides as follows. Dr. Bennett will maintain the driveway along with whoever owns lot two (2) and whoever might own the tract of ground that the easement goes across at the present time. The easement is recorded and does not affect the Primary Plat.

At this time, Dave Barnes asked that the Primary Plat and Subdivision Waivers be approved this evening.

Stephanie Blackman reported for the Subdivision Committee. The only issue raised at the Committee level was the Easement Maintenance issue, viewed as an agreement between private parties and nothing the Plan Commission needs to concern itself with. The Committee voted favorably (3-0) to recommend approval.

Department Comments, Jon Dobosiewicz. The Department is recommending approval of the Primary Plat as well as the Subdivision Waiver requests.

Dan Dutcher made formal motion for approval of **Docket Nos. 04020033 PP, Bennett Minor Subdivision, and the two Subdivision Waivers, 04030010 SW and 04030011 SW**, seconded by Dianna Knoll, **APPROVED** 8 in favor, none opposed. (Jerry Chomanczuk was out of the room when vote was taken.

**2i. Docket No. 04030001 DP Amend/ADLS:
Weston Park, Lot 3 - National City Bank**

The applicant seeks approval for a bank building with parking. The site is located southwest of 106th Street & Michigan Road. The site is zoned I-1/Industrial and is located within the US 421 Overlay Zone.

Filed by Kenneth Sebree of Sebree Architects, Inc.

Ken Sebree, Sebree Architects, Inc. appeared before the Commission representing the applicant. Mike Hoff, Falcon Engineers, and Mike Minx, representative of National City Bank were also in attendance.

Department Comments, Jon Dobosiewicz. The Department is recommending approval with three conditions. 1) The cast stone base to the dumpster enclosure is to match the building. 2) The wall sign is to be illuminated white at night. 3) The applicant is to provide full color elevations. At this time, the applicant has provided the color elevations and information regarding the sign and dumpster enclosure is consistent with those three conditions.

Ken Sebree commented that the applicant has complied with the desires of the Department and the Plan Commission. The dumpster trim has been addressed; four color elevations have been provided, and there is brick and stone trim all around the building. No other comments are offered at this time.

Jerry Chomanczuk reported for the Committee. The concerns were all small items, and those have been addressed. The vote was 4-0 in favor.

Dianna Knoll made formal motion to approve **Docket No. 04030001 DP Amend/ADLS, Weston Park, Lot 3, National City Bank**, seconded by Rick Ripma and **APPROVED** 9-0.

J. New Business:

1j. Docket No. 04040008 ADLS: Clay Terrace, Bldg G1- ADLS

The applicant seeks approval of a retail building. The site is located southwest of US Highway 31 and E. 146th Street. The site is zoned PUD-Planned Unit Development.

Filed by Fred Simmons of Simmons & Associates.

The petitioner was called three times and did not appear. This item was **TABLED** to the **June 22nd** Plan Commission meeting.

There being no further business to come before the Commission, the meeting adjourned at 9:00 PM.

Leo Dierckman, President

Ramona Hancock, Secretary